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10/672,456	09/26/2003	Rami Caspi	2003P08210US	9701

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Siemens Corporation
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EXAMINER

MARSH, OLIVIA MARIE

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,456

Applicant(s)

CASPI ET AL.

Examiner

Olivia Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (U.S. 6,484,033 B2).**

As to **claim 1**, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses a wireless communication system 10, reading on claimed "telecommunication system," comprising a wireless communication device 32 which possesses a device management application 108, reading on claimed "positioning controller," that determines the current location 122 based on the plurality of signals 81 in the device memory 100 (column 8, lines 50-53) and a device processor 98 for processing received messages from the system (column 6, lines 5-7). Murray also discloses [column 13, lines 1-28]:

In Step 176, when the event date 137 matches the current date 135 or the process of FIG. 9 continues, the event time 132 and the event location 134 are monitored. In Step 178, the traffic data 171 (FIG. 3) is monitored. Next, in Step 180, the traffic data 171 is checked for a delay. In Step 182, when no traffic delay is detected, the travel time 173 is then calculated to determine how long it will take to get to the event location 134. In Step

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184, the travel time 173 (see FIG. 4) is then compared to the alert setting 175 to check that the limit 177 has been reached, *reading on claimed "predetermined geographic range, route, or daily routine."* If the limit 177 has not been reached, the process returns to Step 176. The process continues to Step 186 when the limit has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate an alert to the device user 68, *reading on claimed "positioning controller determines that said wireless devices is outside a predetermined geographic range, route, or daily routine."* The alert 103 is initiated by the device processor 98 sending a command to the alert circuit 102. After an alert has been initiated and sent, in Step 188, the current time 114 and current location 122 of the device is monitored. Next, in Step 190, the travel time 173 is again calculated. Next, in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached. When the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, *reading on claimed "an administrative device for receiving alerts from said wireless communication device via said communications controller when said controller determines that said wireless device is outside a predetermined geographic range, route, or daily routine."*

As to claim 2, Murray discloses everything as applied in claim 1 and he further discloses the GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 and the device processor 98 processes the received signals 81 to calculate the location of the wireless communication device 32 (column 8, lines 38-42) and the current location 122 can be

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determined from the processing of the plurality of signals 81 in the device memory 100 for later use by the device event management application 108 (column 8, lines 50-53), reading on claimed "said positioning controller receives global positioning network signals for determining a position of said wireless communications device."

As to claim 3, Murray discloses everything as applied in claim 1 and he further discloses the wireless communication system 10 can function utilizing any wireless RF channel, including a mobile cellular telephone channel (column 4, lines 1-2) and the device processor 98 processes messages from the system (column 6, lines 5-7), reading on claimed "communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said administrative device."

As to claim 5, Murray discloses everything as applied in claim 1 and he further discloses the application server 76, also reading on claimed "administrative device," controls and manages communication of the update message 36 to the plurality of wireless communication devices 40 in response to location information and a multitude of unscheduled and scheduled events by sending wireless messages to the plurality of wireless communication devices 40 and the application server 76 manages an event schedule 80 of which the plurality of device users is reminded on a particular day or time, facilitating management of the group of device users through communication with the plurality wireless communication devices 40 (column 4, lines 63-67; column 5, lines 1-2), reading on claimed "administrative device can receive requests to change said predetermined geographic range, route, or daily routine, and transmit said changes to said wireless telecommunications device."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claim 1 above, and further in view of well known prior art (MPEP 2144.03).**

As to claim 4, Murray discloses everything as applied in claim 1 and he further discloses the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10, which is the predetermined contact person for the event and this call or message notifies the contact person that the device user 68 will either be late for the event, reading on claimed "location information," or will not be able to make it (column 13, lines 25-31).

However, Murray fails to specifically disclose the administrative device is adapted to display location information when said wireless device is determined to be outside said predetermined range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to display the content of messages received by a mobile device on the mobile device's display in inform the mobile user of the content of the message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and administrative device, disclosed by Murray, the administrative device is adapted to display location information when said wireless

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device is determined to be outside said predetermined range, as taught by well known prior art, to display to the backup device contents of an alert sent to the backup device.

5. Claims 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (U.S. 6,484,033 B2) in view of well known prior art (MPEP 2144.03).

As to claim 6, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses the application server 76 communicates the event schedule 80 and any associated information, tasks, or changes by sending a server command 84 via the server interface 78 to the system controller 24 and upon receipt of the server command 84 from the application server 76, transmits the event schedule 80, task, or change to the plurality of wireless communication devices 40 (column 5, lines 24-31). Murray also discloses the event information 120 includes an event time 132, an event location 134, one or more event criteria parameters 129, and event backup information 136 (column 6, lines 35-37); and the event criteria parameters 129 can include, for example, a travel time 173, an alert setting 175, and a limit 177 which is a predetermined algorithm, a time of day for example, within the alert setting 175 (column 6, lines 49-55), reading on claimed "programming said wireless device to be in a predetermined range, said predetermined range comprising geographic, route, and daily routine limits." Murray also discloses the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device (column 13, lines 24-28), reading on claimed "transmitting one or more alerting signals to an administrative device when said wireless device

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is determined to be outside said predetermined range." Murray also discloses the wireless communication device 32 may be a two-way pager (column 4, lines 15-16).

However, Murray fails to specifically disclose the two-way pager is affixed to a predetermined user. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to attach a wireless paging device to the user's belt loop or holder attached to the belt loop of the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and wireless device, disclosed by Murray, and affixing a wireless device to a predetermined user, as taught by well known prior art, to ensure the user will receive alerts and messages and soon as they arrive at the mobile device.

As to claim 7, Murray and well known prior art teach everything as applied in claim 6 and Murray further discloses that the wireless communication device 32, the backup wireless communication device 47, and the second backup wireless communication device 42 in accordance with the present invention, can be a mobile cellular telephone, a mobile radio data terminal, a mobile cellular telephone having an attached data terminal, or a two way pager (column 4, lines 10-16), reading on claimed "administrative device comprises a telephony device."

As to claim 8, Murray and well known prior art teach everything as applied in claim 6 and Murray further discloses the device processor 98 and the change notification message 54 is sent to the wireless communication system 10 via the device transmitter 94; then the wireless communication system 10 transmits the change notification message 54 via the RF transmitter

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26 to the backup wireless communication device 47 (column 15, lines 24-26) and the change notification message 54 can be a data message (column 3, line 62-63).

However, Murray fails to specifically teach the alert data message to the backup wireless device comprises one or more e-mail signals. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and and well known in the art at the time of invention to send email messages containing text between mobile devices in order to convey information between the mobile users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and alert signals, disclosed by Murray, to be email signals, as taught by well known prior art, to enable the mobile user unable to attend a event to easily and efficiently provide a backup mobile user all of the pertinent information regarding such an event to enable the backup user to possibly attend the event.

As to claim 9, Murray and well known prior art teach everything as applied in claim 6 and Murray further discloses the device processor 98 and the change notification message 54 is sent to the wireless communication system 10 via the device transmitter 94; then the wireless communication system 10 transmits the change notification message 54 via the RF transmitter 26 to the backup wireless communication device 47 (column 15, lines 24-26) and the change notification message 54 can be a data message (column 3, line 62-63).

However, Murray fails to specifically teach the alert data message to the backup wireless device comprises one or more Instant Messaging signals. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by well known prior art.

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The Examiner takes Official Notice that it was old and well known in the art at the time of invention to send Instant Messages between mobile devices in order to quickly convey information between the mobile users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and alert signals, disclosed by Murray, to be Instant Messaging signals, as taught by well known prior art, to enable the mobile user unable to attend a event to quickly provide a backup mobile user all of the pertinent information regarding such an event to enable the backup user to possibly attend the event.

As to **claim 10**, Murray and well known prior art teach everything as applied in claim 6 and Murray further discloses the application server 76, also reading on claimed "administrative device," controls and manages communication of the update message 36 to the plurality of wireless communication devices 40 in response to location information and a multitude of unscheduled and scheduled events by sending wireless messages to the plurality of wireless communication devices 40 and the application server 76 manages an event schedule 80 of which the plurality of device users is reminded on a particular day or time, facilitating management of the group of device users through communication with the plurality wireless communication devices 40 (column 4, lines 63-67; column 5, lines 1-2), reading on claimed "receiving at said administrative device one or more requests to alter said predetermined range."

As to **claim 11**, Murray and well known prior art teach everything as applied in claim 6 and Murray discloses everything as applied in claim 10 and Murray further discloses the system controller 24 communicates a system request 86 to the application server 76 via the server interface 78 for changes to the event schedule 80, responsibilities, the backup list 85, and other event features (column 5, lines 31-35) and the event criteria parameters 129 can include, for

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example, a travel time 173, an alert setting 175, and a limit 177 (column 6, lines 49-51), reading on claimed "receiving at said wireless communication device a temporary variance to said predetermined range."

As to claim 12, Murray and well known prior art teach everything as applied in claim 6 and Murray discloses everything as applied in claims 10-11; and Murray further discloses the update message 36 can include the time of the upcoming scheduled event, the calculated distance from the event and the calculated time required to reach the event (column 10, lines 65-67), reading on claimed "temporary variance comprises one or more new geographic, route, or daily routine limits."

As to claim 13, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses a wireless communication system 10 comprising a wireless communication device 32, reading on claimed "wireless telecommunications device," which possesses a device management application 108, reading on claimed "positioning controller," that determines the current location 122 based on the plurality of signals 81 in the device memory 100 (column 8, lines 50-53), reading on claimed "said wireless telecommunications device including a positioning controller for determining a position of said wireless communication device," and a device processor 98 for processing received messages from the system (column 6, lines 5-7). Murray also discloses [column 13, lines 1-28]:

In Step 176, when the event date 137 matches the current date 135 or the process of FIG. 9 continues, the event time 132 and the event location 134 are monitored. In Step 178, the traffic data 171 (FIG. 3) is monitored. Next, in Step 180, the traffic data 171 is checked for a delay. In Step 182, when no traffic delay is detected, the travel time 173 is

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then calculated to determine how long it will take to get to the event location 134. In Step 184, the travel time 173 (see FIG. 4) is then compared to the alert setting 175 to check that the limit 177 has been reached, *reading on claimed "predetermined routine."* If the limit 177 has not been reached, the process returns to Step 176. The process continues to Step 186 when the limit has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate an alert to the device user 68, *reading on claimed "positioning controller determines that said wireless devices is outside a predetermined routine."* The alert 103 is initiated by the device processor 98 sending a command to the alert circuit 102. After an alert has been initiated and sent, in Step 188, the current time 114 and current location 122 of the device is monitored, *reading on claimed "monitoring said predetermined user's actual routine."* Next, in Step 190, the travel time 173 is again calculated. Next, in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached. When the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, *reading on claimed "a communications controller for transmitting a position of said wireless telecommunications device to an administrative device and sending one or more alert signals to said administrative device if said actual routine differs from a programmed predetermined routine."*

Murray also discloses the wireless communication device 32 is assigned for use in the wireless communication system 10 has an address 60 or identity assigned thereto which is a unique selective call address in the wireless communication system 10 (column 4, lines 21-

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24), reading on claimed "associating a predetermined user with a wireless telecommunications device." Murray also discloses the event schedule 80, received from the application server 76 of the wireless communication system 20 identifies the device user 68 and the wireless communication device for a particular event (column 7, lines 53-56), reading on claimed "programming said wireless telecommunications device to said predetermined user's daily routine." Murray also discloses the wireless communication device 32 may be a two-way pager (column 4, lines 15-16).

However, Murray fails to specifically disclose the two-way pager is affixed to a predetermined user. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to attach a wireless paging device to the user's belt loop or holder attached to the belt loop of the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and wireless device, disclosed by Murray, and affixing a wireless device to a predetermined user, as taught by well known prior art, to ensure the user will receive alerts and messages and soon as they arrive at the mobile device.

As to **claim 14**, Murray and well known prior art teach everything as applied in claim 13 and Murray further discloses the application server 76, also reading on claimed "administrative device," controls and manages communication of the update message 36 to the plurality of wireless communication devices 40 in response to location information and a multitude of unscheduled and scheduled events by sending wireless messages to the plurality of wireless communication devices 40 and the application server 76 manages an event schedule 80 of

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which the plurality of device users is reminded on a particular day or time, facilitating management of the group of device users through communication with the plurality wireless communication devices 40 (column 4, lines 63-67; column 5, lines 1-2), reading on claimed "receiving at said administrative device for a variation in said predetermined range."

As to claim 15, Murray and well known prior art teach everything as applied in claim 13 and Murray discloses everything as applied in claim 14 and Murray further discloses the system controller 24 communicates a system request 86 to the application server 76 via the server interface 78 for changes to the event schedule 80, responsibilities, the backup list 85, and other event features (column 5, lines 31-35) and the event criteria parameters 129 can include, for example, a travel time 173, an alert setting 175, and a limit 177 (column 6, lines 49-51), reading on claimed "transmitting a variance to said wireless telecommunication device from said administrative device."

As to claim 16, Murray and well known prior art teach everything as applied in claim 13 and Murray discloses everything as applied in claims 14-15 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, including a mobile cellular telephone channel (column 4, lines 1-2) and the device processor 98 processes messages from the system (column 6, lines 5-7), reading on claimed "transmitting variance comprises transmitting via a cellular telephone network."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.¹

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

¹ On July 15, 2005, the Central Fax number will change to 571-273-8300. This new Central Fax number is the result of relocating the Central Fax server to the Office's Alexandria, VA campus.